

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

WILLIS BOYD ANNIS,

Case No. 3:22-cv-00016-MMD-CSD

Plaintiff,

ORDER

v.

DOUGLAS COUNTY
PROSECUTORS, *et al.*,

Defendants.

Pro se Plaintiff Willis Boyd Annis brings this 42 U.S.C. § 1983 action against Defendants Douglas County Prosecutors, Douglas County Judges, and Justin M. Clouser. Before the Court is the Report and Recommendation (ECF No. 8 (“R&R”)) of United States Magistrate Judge Craig S. Denney, recommending that the Court dismiss the case without prejudice. Annis had until March 15, 2022, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss the case without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review, and is
 2 satisfied that Judge Denney did not clearly err. For Annis' application to proceed *in forma*
 3 *pauperis* ("IFP Application"), Judge Denney correctly found that Annis failed to use the
 4 correct inmate application form. (ECF No. 8 at 1.) The Clerk of Court mailed the correct
 5 form to Annis on January 26, 2022. (ECF No. 4.) Annis also failed to include the necessary
 6 financial certificate with his IFP Application, as previously ordered by Judge Denney. (*Id.*)
 7 See 28 U.S.C. § 1915(a)(2), § 1915(b)(1), (2). Annis was warned that his failure to timely
 8 file a complete inmate IFP Application with the necessary financial certificate may result
 9 in dismissal of his case without prejudice. (ECF No. 4 at 3.) Because Annis had adequate
 10 warning and did not file the correct form, with the required financial certificate, the Court
 11 agrees with Judge Denney and adopts the R&R in full.


12 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
 13 No. 8) is accepted and adopted in full.

14 It is further ordered that Annis' application to proceed *in forma pauperis* (ECF No.
 15 1) is denied as moot.

16 It is further ordered that this case is dismissed without prejudice.¹

17 The Clerk of Court is directed to enter judgment accordingly and close this case.

18 DATED THIS 18th Day of March 2022.

19 
 20 _____
 21 MIRANDA M. DU
 22 CHIEF UNITED STATES DISTRICT JUDGE
 23

24 ¹On February 14, 2022, prior to the issuance of the R&R, Annis sent a letter to the
 25 Court stating that he did not know the case number and the judges assigned to his case.
 26 (ECF No. 7.) However, the letter did not include a case number and it is unclear whether
 27 the letter relates to this particular case or Annis' other cases that he filed in this district.
 28 (*Id.*) Moreover, the Clerk of Court previously sent Annis multiple orders issued by the
 Court in this case, which included the judges' names and the case number. (ECF Nos. 4,
 5, 6, 8.) The Court therefore finds that dismissal is still warranted. However, since
 dismissal is without prejudice, Annis may refile his lawsuit and submit the proper
 paperwork to proceed with his claims.